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March 8, 2018

**VIA ECF**

Honorable Magistrate Justice Judith McCarthy  
United States District Court  
Southern District of New York  
300 Quarropas St.  
White Plains, NY 10601

Re: Rivera v. Gardner  
Index No. 17-CV 07935  
RR File No. 1-3

Dear Honorable Justice McCarthy:

I represent the defendant in the above-referenced action. I am writing on behalf of both parties with the consent of plaintiff's counsel. This matter is currently scheduled for a conference before Your Honor on **March 26, 2018**. After discussing this matter with your Chambers we jointly request and move via this correspondence that the conference be advanced to **March 15, 2018** for a telephone conference at **11:30 a.m.** We would like to discuss the status of discovery and the plaintiff's current medical treatment course and how it affects how we can proceed with the case. Further, I am scheduled for jury selection on a trial in Bronx County on March 26, 2018 at 9:30 a.m. which makes my appearance before Your Honor difficult.

Thank you for your cooperation and attention to this matter. We look forward to the Court's assistance in this regard.

Very truly yours,

RIVKIN RADLER, LLP

A handwritten signature in black ink, appearing to read "Eric S. Strober", written over a horizontal line.

Eric S. Strober

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